FEDERAL REGISTER

VOLUME 3 NUMBER 114

Washington, Saturday, June 11, 1938

The President

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS TO THE SECRETARY OF AGRICULTURE FOR USE, ADMINISTRATION, AND DISPOSITION UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT

WHEREAS I find suitable for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof, all lands of the United States now under the supervision of the Secretary of Agriculture (1) which have been acquired by the Department of Agriculture for use in connection with those land-development and land-utilization projects transferred to it by Executive Order No. 7530 of December 31, 1936, as amended by Executive Order No. 7557 of February 19, 1937[1] (including lands transferred to it by the said Executive order, lands thereafter acquired pursuant to the said Executive order, as amended, lands set apart and reserved from the public domain, and lands acquired by transfer from other Federal agencies, whether by Executive order or otherwise), and (2) which are now in process of acquisition by the Department of Agriculture, pursuant to existing contracts of purchase and pending condemnation proceedings, for use in connection with the said projects:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 45 of the said Bankhead-Jones Farm Tenant Act, it is ordered that all the right, title, and interest of the United States in the lands so acquired or in process of acquisition, be, and they are hereby, transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Act and the related provisions of Title IV thereof; and immediately upon acquisition of legal title to those lands now in process of acquisition, this order shall become applicable to all the additional right, title, and interest thereby acquired by the United States;

Provided, that no lands heretofore set apart and reserved from the public domain shall be disposed of by sale, exchange, or grant, in accordance with the provisions of said act, without the approval of the Secretary of the Interior;

And Provided further, that this order shall not apply to any of the said lands which have been, by Executive order or proclamation, included in or reserved as a part of a national forest or of a wildlife, waterfowl, migratory bird, or research refuge, or to the right, title, and interest of the United States in the mineral resources of those lands which have heretofore been set apart and reserved from the public domain, and shall not restrict the disposition of such mineral resources under the public-land laws.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 9, 1938.

[No. 7908]

[F. R. Doc. 38-1658; Filed, June 10, 1938; 12:46 p. m.]

[1] 2 F. R. 9, 411 (DI).

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[G. S. Q. R., Series 5, No. 1, Rev. 1]

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1938

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give

CONTENTS

(Continued on next page)

FEDERAL REGISTER

Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1 per month or $10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

CONTENTS—Continued

NOTICES

public notice of these regulations[1] (constituting a revision of and superseding General Sugar Quota Regulations, Series 5, No. 1[2]) which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

It is hereby determined pursuant to section 201 of the said act, that the quantity of direct consumption sugar distributed for consumption as indicated by official statistics of the Department of Agriculture during the 12-month period ended October 31, 1937, is 6,965,170 short tons, raw value, and that, having made the allowances provided for in said section 201, the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1938 is 6,780,566 short tons of sugar, raw value.

II

1. There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1938, the following quotas:

Area	*Quotas in terms of short tons, raw value*
Domestic beet sugar	1,572,559
Mainland cane sugar	426,310
Hawaii	951,753
Puerto Rico	809,649
Virgin Islands	9,046

2. There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1938, the following quotas:

Area	*Quotas in terms of short tons, raw value*
Philippine Islands	1,044,903
Cuba	1,939,546
Foreign countries other than Cuba	26,800

3. The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries as follows:

Country	*Quotas in pounds*
Argentine	15,651
Australia	219
Belgium	315,994
Brazil	1,285
British Malaya	28
Canada	605,778
China & Hong Kong	309,344
Colombia	286
Costa Rica	22,115
Czechoslovakia	282,703
Dominican Republic	7,159,845
Dutch East Indies	226,960
Dutch West Indies	7
France	188
Germany	125
Guatemala	359,580
Haiti, Republic of	989,523
Honduras	3,685,496
Italy	1,880
Japan	4,304
Mexico	6,476,334
Netherlands	233,919
Nicaragua	10,974,135
Peru	11,933,039
Salvador	8,813,386
United Kingdom	376,506
Venezuela	311,370
Sub-total	53,100,000
Unallotted reserve	500,000
Total	53,600,000

III

1. The quotas established in paragraph 1 of section II hereof for the following listed areas may be filled by direct consumption sugar not in excess of the following amount for each such area:

Area	*Amounts of direct consumption sugar in terms of short tons, raw value*
Hawaii	29,616
Puerto Rico	126,033
Virgin Islands	0

2. The quotas established in paragraph 2 of section II hereof for the following listed areas may be filled by direct consumption sugar not in excess of the following amount for each such area:

Area	*Amounts of direct consumption sugar in terms of short tons, raw value*
Commonwealth of the Philippine Islands	80,214
Cuba	375,000

IV

There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1938, quotas for liquid sugar as follows:

Country	*In terms of wine gallons of 75% total sugar content*
Cuba	7,970,558
Dominican Republic	830,894
Other foreign countries	0

V

1. For the calendar year 1938, all persons are hereby forbidden pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

2. For the calendar year 1938, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting or marketing in interstate commerce, or in competition with sugar

[1] These regulations shall not apply to (1) the first 10 short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (2) the first 10 short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (3) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of one and one-tenth gallons each; or (4) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol or for livestock feed, or for the production of livestock feed.

[2] 2 F. R. 3367 (DI).

or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, City of Washington, this 9th day of June, 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1656; Filed, June 10, 1938; 12:38 p. m.]

[G. S. Q. R., Series 5, No. 3]

PRORATION OF 1938 DEFICIT FOR PHILIPPINE ISLANDS

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

1. It is hereby determined, pursuant to Section 204 (a) of the said act, that for the calendar year 1938 the Commonwealth of the Philippine Islands will be unable by an amount of 107,766,000 pounds of sugar, raw value, to market the quota established for that area in General Sugar Quota Regulations, Series 5, No. 1, Revision 1, approved June 9, 1938.

2. An amount of sugar equal to the deficit determined in paragraph 1 is hereby prorated, pursuant to Section 204 (a) of the said act, to foreign countries other than Cuba as follows:

Country	(*In terms of pounds, raw value*) Additional prorations
Argentine	31,764
Australia	444
Belgium	641,307
Brazil	2,608
British Malaya	57
Canada	1,229,421
China and Hong Kong	627,811
Colombia	580
Costa Rica	44,882
Czechoslovakia	573,743
Dominican Republic	14,530,845
Dutch East Indies	460,613
Dutch West Indies	14
France	382
Germany	254
Guatemala	729,765
Haiti, Republic of	2,008,229
Honduras	7,479,683
Italy	3,815
Japan	8,735
Mexico	13,143,665
Netherlands	474,737
Nicaragua	22,271,914
Peru	24,218,001
Salvador	17,886,692
United Kingdom	764,116
Venezuela	631,923
Total	107,766,000

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 9th day of June, 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1657; Filed, June 10, 1938; 12:38 p. m.]

TITLE 16—COMPETITIVE PRACTICES

FEDERAL TRADE COMMISSION

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2939]

IN THE MATTER OF HELENA RUBINSTEIN, INC.

ORDER TO CEASE AND DESIST

This matter coming on to be heard by the Commission upon the complaint filed herein on the 2nd day of October, 1936, and a stipulation as to the facts in lieu of testimony heretofore entered into by and between the respondent and the Federal Trade Commission in which stipulation the respondent admits without further evidence and without intervening procedure the Commission may make, enter, issue and serve upon respondent its findings as to the facts and conclusion and an order to cease and desist from the violations of law charged in the complaint, and the Commission having considered the complaint and the facts so stipulated and having made its findings as to the facts and conclusion and its modified findings as to the facts and conclusion that respondent has violated the provisions of an Act of Congress, approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes";

It is ordered, That the respondent, Helena Rubinstein, Inc., a corporation, its directors, officers, agents and representatives and employees, in connection with the distribution and sale of cosmetics, facial creams and toilet preparations in interstate commerce cease and desist from:

Advertising or representing directly or indirectly, in newspapers, magazines, radio broadcasts, circulars, display cards, on cartons or any other form of advertising literature or in any other way, that any of said cosmetics, facial creams and toilet preparations

(1) will serve as a food for or nourish the human skin, muscles, or tissues;

(2) will prevent crow's feet and wrinkles and revitalize the skin tissues;

(3) will strengthen the eye nerves;

(4) contain living sparks of life which increase the therapeutic value of the products;

(5) will rebuild worn-out cells;

(6) will restore youth to dry, lined, wrinkled skin;

(7) will dissolve fatty tissues or act as effective weight reducers;

It is further ordered, That the respondent, Helena Rubinstein, Inc., a corporation, its directors, officers, agents and representatives and employees shall within ninety days from the date of service upon it of a copy of this order file with the Commission a report in writing setting forth the manner and form in which it has complied with the order herein set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1644; Filed, June 9, 1938; 3:45 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3111]

IN THE MATTER OF DERAN CONFECTIONERY COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by Henry C. Lank, counsel for the Commission, and by Mark Wainer, counsel for the respondent, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Deran Confectionery Company, a corporation, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribu-

[1] 2 F. R. 2277 (DI).

tion of candy in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Selling and distributing to dealers, candies so packed and assembled that sales of such candy to the general public are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

(2) Supplying to or placing in the hands of dealers assortments of candy which are used, or which may be used, without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device or gift enterprise in the sale and distribution of candy contained in said assortments to the public.

(3) Packing or assembling in the same package or assortment of candy for sale to the public at retail individually wrapped pieces of candy of uniform size and shape with different colored centers, together with packages or boxes of candy or any other merchandise, which said packages or boxes of candy or other merchandise are to be given as prizes to the purchasers procuring pieces of candy with centers of a particular color.

(4) Representing in any manner that certain of its products are composed of malted milk, when in fact, such products are not in substantial part manufactured from, or made of, malted milk.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1647; Filed, June 10, 1938; 10:43 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3287]

IN THE MATTER OF EXCELLO FABRICS, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer filed herein on the 13th day of May, 1938, by the respondent admitting all the material allegations to be true and waiving the taking of further evidence and other intervening procedure, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Excello Fabrics, Inc., a corporation, its officers, agents, servants and employees, in connection with the advertising and offering for sale, sale and distribution of fabrics in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Using, assisting or cooperating in the using of the words "Pure Dye", or any other word or words of similar import or meaning, to describe or designate fabrics or products which are not composed wholly of silk, the product of the cocoon of the silkworm;

2. Using, assisting or cooperating in the using of the word "Satin" or any other word or words of similar import or meaning to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm, unless there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, a word or words actually naming or describing the fiber, material or materials from which said fabric or product is actually made; and provided that such disclosure of the fiber or material content thereof shall be made by accurately designating each constituent fiber or material thereof, in the order of its predominance by weight, beginning with the largest single constituent;

3. Using, assisting or cooperating in the using of the word "Silk" or any other word or words of similar import or meaning to describe or designate fabrics or products which are not composed wholly of silk, the product of the cocoon of the silkworm, unless in the case of a fabric or product composed in part of silk and in part of rayon or a material or materials other than silk there is used in immediate connection or conjunction therewith in letters of equal size and conspicuousness a word or words accurately describing the fiber, material or materials from which said fabric or product was actually made; and provided that the fiber or material content of such fabric or product be accurately disclosed by designating each constituent fiber or material thereof, in the order of its predominance by weight, beginning with the largest single constituent;

It is further ordered, That the respondent, Excello Fabric, Inc., shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1648; Filed, June 10, 1938; 10:43 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49600]

CUSTOMS REGULATIONS AMENDED—MERCHANDISE SUBJECT TO CONTROL, RESTRICTION, OR PROHIBITION BY FEDERAL AGENCIES

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in the Plant Quarantine Act of August 20, 1912, as amended by the acts of March 4, 1913, March 4, 1917, April 13, 1926, and May 1, 1928 (U. S. C., title 7, secs. 151 to 164, inclusive, and secs. 164 (a) and 167); the act of August 30, 1890, prohibiting the importation of diseased livestock, as amended by the act of June 28, 1926 (U. S. C., title 21, sec. 104); the act of February 2, 1903, to prevent the introduction and spread of livestock diseases, as amended by the act of February 7, 1928 (U. S. C., title 21, secs. 111, 112, 113, 120 and 121); the Meat Inspection Act of March 4, 1907 (U. S. C., title 21, secs. 71 to 89, inclusive); sections 306 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1306 and 1624); and section 161 of the Revised Statutes (U. S. C., title 5, sec. 22), the Customs Regulations of 1937 are hereby amended as follows:

Paragraph (d) of article 880[1] is amended to read as follows:

(d) *Shipments subject to restriction or prohibition by Federal agencies.*—The diversion of shipments in bond which may be subject on importation to restriction or prohibition under quarantines and regulations administered by the Bureau of Animal Industry or the Bureau of Entomology and Plant Quarantine shall be allowed only upon written permission or under regulations issued by the agency concerned (see ch. X).

Paragraph (h) of article 887[2] is amended to read as follows:

(h) Entries for immediate transportation without appraisement covering merchandise subject to detention or supervision by other Federal agencies must contain a sufficient description of the merchandise to enable the representative of the agency concerned to determine the contents of the shipment. Such merchandise covered by quarantines and regulations administered by the Bureau of Entomology and Plant Quarantine shall be forwarded under such entries only upon written permission of or under regulations issued by that Bureau (see ch. X).

Paragraph (a) of article 904[3] is amended to read as follows:

(a) Merchandise subject upon importation to examination, disinfection, or

[1] 2 F. R. 1938.
[2] 2 F. R. 1940.
[3] 2 F. R. 1943.

further treatment under quarantines and regulations administered by the Bureau of Entomology and Plant Quarantine cannot be released for transportation or exportation except upon written permission of or under regulations issued by that Bureau (see ch. X).

Paragraph (b) of article 907[1] is amended to read as follows:

(b) Such merchandise may be entered for consumption or warehouse. If the merchandise is subject on importation to quarantines and regulations administered by the Bureau of Entomology and Plant Quarantine, it may be entered for consumption or warehouse only upon written permission of or under regulations issued by that Bureau (see ch. X).

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[SEAL] STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

Date, May 17, 1938.

[F. R. Doc. 38-1649; Filed, June 10, 1938; 11:02 a. m.]

TITLE 26—INTERNAL REVENUE

BUREAU OF INTERNAL REVENUE

[T. D. 4808]

CAPITAL STOCK TAX

EXTENSIONS OF TIME FOR FILING RETURNS UNDER SECTION 601 (D) OF THE REVENUE ACT OF 1938

To Collectors of Internal Revenue and Others Concerned:

Section 601 (d) of the Revenue Act of 1938, under which capital stock tax returns for the taxable year July 1, 1937, to June 30, 1938, must be filed, provides:

(d) * * * The Commissioner may extend the time for making the returns and paying the taxes imposed by this section, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than sixty days.

Pending the issuance of complete regulations, the following rules and regulations are hereby promulgated in respect of extensions of time for filing capital stock tax returns for the taxable year ended June 30, 1938:

The respective collectors of internal revenue are hereby authorized to grant, under the conditions prescribed herein, extensions of time for filing capital stock tax returns and for payment of such taxes. In the exercise of such authority, collectors of internal revenue shall grant an extension of time for filing the return and paying the tax, only: (1) upon a written application under oath filed on or before the statutory due date of the return and showing reasonable cause for the extension; (2) for such reasonable period as may be required by the circumstances, not to extend in any case beyond the 29th day of September next following the close of the taxable year; (3) with the provision that interest at the rate of 6 per cent per annum shall be paid upon the tax from the statutory due date (July 31) to the date of payment of the tax; and (4) in accordance with such procedure as may be prescribed from time to time by the Commissioner. The determination whether an application presents reasonable cause for an extension depends upon the particular circumstances of each case. Ordinarily, a showing of sickness or absence of the officers charged with the responsibility of making the return, or of other circumstances beyond the control of the corporation which prevent the filing of a proper return within the time required by law, constitutes reasonable cause warranting an extension. Accordingly, a corporation desiring an extension of time for filing its capital stock tax return and paying the tax must file with the collector on or before the statutory due date of the return an application under oath setting forth the reasons necessitating an extension and stating the time for which the extension is requested. In every case in which an extension is allowed, a copy of the collector's letter granting the extension shall be attached to the return when filed.

This Treasury decision is issued under authority contained in section 601 (d) of the Revenue Act of 1938.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, June 8, 1938.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1654; Filed, June 10, 1938; 12:24 p. m.]

[T. D. 4809]

INCOME TAX

REGULATIONS RELATIVE TO DETERMINATION OF WHO IS A QUALIFIED ELECTING SHAREHOLDER AND TO THE MAKING AND FILING OF ELECTIONS UNDER SECTION 112 (B) (7) OF THE REVENUE ACT OF 1938, RELATING TO THE RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS

To Collectors of Internal Revenue and Others Concerned:

[*In the original document, here follows the text of Section 112 (b) (7) of the Revenue Act of 1938.*]

Pursuant to the authority contained in sections 62 and 112 (b) (7) of the Revenue Act of 1938, the following regulations are prescribed with respect to the determination of who is a qualified electing shareholder and the making and filing of written elections in connection with the complete liquidation of a domestic corporation occurring within the month of December, 1938.

ARTICLE 1. *Scope of regulations.*—These regulations relate only to the determination of who is a qualified electing shareholder and to the making and filing of elections under section 112 (b) (7) of the Revenue Act of 1938, which provides special tax treatment for the gain realized by a qualified electing shareholder on the shares of stock which he owned on the date of the adoption of a plan for the complete liquidation of a domestic corporation pursuant to which all its stock is canceled or redeemed, and the transfer of all its property occurs entirely within the month of December, 1938.

ART. 2. *Qualified electing shareholder.*—No corporate shareholder may be a qualified electing shareholder if at any time between April 9, 1938, and the date of the adoption of the plan of liquidation, both dates inclusive, it is the owner of stock of the liquidating corporation possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote upon the adoption of the plan of liquidation. All other shareholders are divided into two groups for the purpose of determining whether they are qualified electing shareholders: (a) shareholders other than corporations, and (b) corporate shareholders. Any shareholder of either of such two groups (whether or not the stock he owns is entitled to vote on the adoption of the plan of liquidation) is a qualified electing shareholder if—

(1) His written election to be governed by the provisions of section 112 (b) (7) of the Act has been made and filed as prescribed in article 3 of these regulations; and

(2) Like elections have been made and filed by owners of stock possessing at least 80 percent of the total combined voting power of all classes of stock owned by shareholders of the same group on the date of, and entitled to vote upon, the adoption of the plan of liquidation.

Example.—The R Corporation has outstanding 20 shares of common stock on July 1, 1938, the date of the adoption of a plan of liquidation within the provisions of section 112 (b) (7) of the Act, each entitled to one vote upon the adoption of such plan of liquidation. Ten of such shares are owned by the S Corporation, two each by the X Corporation and the Y Corporation, one by the Z Corporation, and one each by A, B, C, D, and E, individuals. There are also outstanding two shares of preferred stock, not entitled to vote on liquidation, one share being owned by F, an individual, and one share by the P Corporation. The S Corporation, being a corporate shareholder and the owner of 50 percent of the voting stock, may not be a qualified electing shareholder under any circumstances. In order for any other corporate shareholder to be a qualified electing shareholder, it is necessary that the X Corporation and the Y Corporation file their written elections to be governed by section 112 (b) (7) of the Act. If this is done, the P Corporation will also be a qualified electing shareholder if it has filed a like election. Similarly, in the case of the individual shareholders, some combination of four of the individual holders of the

[1] 2 F. R. 1943.

common stock must have filed their written elections, before any individual shareholder may be considered a qualified electing shareholder, but if this is done, F will also be a qualified electing shareholder if he has filed a like election.

An election to be governed by the provisions of section 112 (b) (7) of the Act relates to the treatment of gain realized upon the cancelation or redemption of stock upon liquidation and can therefore be made only by or on behalf of the person by whom such gain will be realized. Thus, the shareholder who may make such election must be the actual owner of stock and not a mere record holder, such as a nominee.

A shareholder is entitled to make an election relative to the gain only on stock owned by him at the time of the adoption of the plan of liquidation. The election is personal to the shareholder making it and does not follow such stock into the hands of a transferee.

ART. 3. *Making and filing of written elections.*—An election to be governed by section 112 (b) (7) of the Act shall be made in duplicate under oath or affirmation on Form 964 in accordance with the instructions printed thereon and with these regulations. Such duplicate originals shall be filed by the shareholder or by the liquidating corporation with the Commissioner of Internal Revenue, Washington, D. C., attention of the Income Tax Unit, Records Division, within thirty days after the adoption of the plan of liquidation. A copy shall also be attached to and made a part of the shareholder's income tax return for his taxable year in which the transfer of all the property under the liquidation occurs.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, June 8, 1938.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1655; Filed, June 10, 1938; 12:24 p. m.]

TITLE 27—INTOXICATING LIQUORS

FEDERAL ALCOHOL ADMINISTRATION DIVISION

[Regulations No. 5, Amendment No. 6]

AMENDING CERTAIN PROVISIONS OF THE DISTILLED SPIRITS LABELING REGULATIONS WITH REFERENCE TO THE USE OF HARMLESS COLORING, FLAVORING, OR BLENDING MATERIALS, USE OF THE PHRASE "ARTIFICIALLY COLORED" AND TO OTHER MATTERS

Pursuant to the provisions of Section 5 (e) of the Federal Alcohol Administration Act, as amended, Regulations No. 5,[1] Relating to Labeling and Advertising of Distilled Spirits, as amended, are further amended as follows:

1. Article II, Section 21, Class 7, of said regulations is amended to read:

CLASS 7. *Imitations.*—Imitations shall bear, as a part of the designation thereof, the word "imitation" and shall include the following:

(a) Any class or type of distilled spirits to which has been added coloring or flavoring material of such nature as to cause the resultant product to simulate any other class or type of distilled spirits;

(b) Any class or type of distilled spirits (other than distilled spirits required under Section 34, Article III, of these regulations to bear a distinctive or fanciful name and a truthful and adequate statement of composition) to which has been added synthetic flavoring material;

(c) Any class or type of distilled spirits (other than distilled spirits required under Section 34, Article III, of these regulations to bear a distinctive or fanciful name and a truthful and adequate statement of composition) to which has been added a natural flavoring material which simulates or enhances, or is used by the trade or in the particular product to simulate or enhance, the characteristics of any other flavoring material, if the labeling of such distilled spirits creates the impression that such other flavoring material has been employed in the manufacture of the product;

(d) Any class or type of distilled spirits (except cordials, liqueurs and specialties marketed under labels which do not indicate, or infer, that a particular class or type of distilled spirits was used in the manufacture thereof) to which has been added any whiskey essence, brandy essence, rum essence or similar essence or extract which simulates or enhances, or is used by the trade or in the particular product to simulate or enhance, the characteristics of any class or type of distilled spirits;

(e) Any type of rum to which neutral spirits or other distilled spirits than rum have been added;

(f) Any type of brandy to which neutral spirits or other distilled spirits than brandy have been added; and

(g) Any type of brandy distilled from a fermented mash of fruit and sugar or dextrose.

2. Article II of said regulations is amended by adding at the end thereof a new section to read:

SECTION 22. *Alteration of Class and Type: Harmless Coloring, Flavoring and Blending Materials.*—Except as otherwise provided in this section, the addition of any coloring, flavoring or blending materials whatsoever, to any class or type of distilled spirits shall be deemed to alter the class and type thereof. If the class or type of any distilled spirits shall be so altered, and if there is no class or type designation for the product as so altered, either specified in this Article or in accordance with trade understanding, such distilled spirits shall be designated with a distinctive or fanciful name together with a truthful and adequate statement of composition in accordance with Section 34, Article III, of these regulations. There may be added to any class or type of distilled spirits, without changing the class or type thereof, (1) such harmless coloring, flavoring or blending materials as are an essential component part of the particular class or type of distilled spirits to which added, and (2) harmless coloring, flavoring or blending materials such as caramel, straight malt or straight rye malt whiskeys, fruit juices, sugar or wine, which are not an essential component part of the particular distilled spirits to which added, but which are customarily employed therein in accordance with established trade usage, if such coloring, flavoring or blending materials do not total more than 2½% by volume of the finished product.

"Harmless coloring, flavoring and blending materials" shall not include (1) any material which would render the product to which it is added an imitation, or (2) any material whatsoever in the case of straight whiskey or in the case of neutral spirits, or (3) any material, other than caramel and sugar, in the case of cognac brandy.

Nothing herein shall be construed as in any manner modifying the Standards of Identity for cordials and liqueurs, or as authorizing any product which is defined in Class 7 as an imitation to be otherwise designated.

3. Article III, Section 34 (a) and (b), of said regulations is amended to read:

SEC. 34. *Class and Type.*—(a) The class and the type of the distilled spirits shall be stated in conformity with Article II of these regulations, if defined therein. If the class is not so defined, then the class shall be stated in conformity with the trade understanding thereof, and if the type is not so defined, any reference to type shall be similarly stated, but no product shall be regarded as having a designation in conformity with trade understanding unless through established usage such product has become known to the trade and to the public under such designation. If the class is not defined in Article II of these regulations, and there is no trade understanding as to the designation of the product, a distinctive or fanciful name, which shall be deemed the class designation for the purpose of these regulations, shall be stated on the brand label of the product. Notwithstanding the foregoing provisions of this section, the words "cordial" or "liqueur" need not be stated to indicate the class of distilled spirits which in fact are cordials or liqueurs, unless the Administrator finds that, without a designation of the class,

[1] 1 F. R. 92.

the type designation is one which does not clearly indicate to the consumer that the product is a cordial or liqueur.

(b) Except as herein otherwise provided, a truthful and adequate statement of composition shall appear upon the brand label of any product which, in conformity with subsection (a), bears a distinctive or fanciful name or a designation in accordance with trade understanding. In the case of products such as highballs, cocktails, and similar prepared specialties, bearing, in conformity with subsection (a), trade designations which adequately indicate to the consumer the general character of the product, a statement of the classes and types of distilled spirits used in the manufacture thereof shall be deemed a sufficient statement of composition. No statement of composition is required to appear upon products bearing designations in accordance with trade understanding if such designation, through general and established usage, in itself adequately indicates to the consumer the composition of the product.

4. Article III, Section 34, of said regulations is further amended, effective July 1, 1938, by adding at the end thereof a new subsection to read:

(f) All distillates (other than neutral spirits) produced in a foreign country from a fermented mash of grain, and possessing the taste, aroma and characteristics generally attributed to whiskey, and all mixtures thereof, bottled at not less than 80° proof, which are not of a type defined in Class 2, Section 21, Article II, shall be deemed to be "whiskey" and shall be so designated. In the case of mixtures of whiskey, the component parts of which were distilled in more than one country, there shall be stated in direct conjunction with the class designation "whiskey" a truthful and adequate statement of the composition of the product. All whiskey (other than American type whiskeys, blended Scotch type whiskey, and blended Irish type whiskey) manufactured in Scotland, Ireland or Canada, shall be deemed to be Scotch, Irish or Canadian whiskey, and shall be so designated, in conformity with paragraphs (k), (l) and (m) of Class 2, Section 21, Article II, unless the application of such designation to the particular product will result in consumer deception, or unless such product is not entitled to such designation under the laws of the country in which manufactured.

5. Article III, Section 38 (d) of said regulations is amended to read:

(d) There shall be stated the words "artificially colored" on the label of any distilled spirits containing synthetic coloring materials, or natural materials the primary contribution of which is color, as well as upon the label of any distilled spirits the labeling of which is such as to convey the impression that the color of the product is derived from a given source if such color is, in whole or in part, not so derived: *Provided*, That this statement shall not be required by reason of the use of caramel in any brandy or rum or in any type of whiskey other than straight whiskey, and *Provided further*, That where such statement would be required by reason of the use of natural flavoring materials solely, there may be stated in lieu of "artificially colored," a truthful and adequate statement of the source of the color, such as "Color derived from (name of fruit, plant, etc., the name of which the product bears) and other fruits (plants, herbs, etc., or the names of such other fruits, plants, or herbs)."

Except as otherwise expressly provided, these amendments shall become effective fourteen days after the date of filing with the Division of the Federal Register.

[SEAL] W. S. ALEXANDER,
Administrator,
Federal Alcohol Administration.

Approved: June 8, 1938.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1642; Filed, June 9, 1938; 1:10 p. m.]

[Regulations No. 5, Amendment No. 8]

AMENDING THE REGULATIONS IN RESPECT TO THE STATEMENT OF THE NAME AND ADDRESS REQUIRED ON LABELS OF BRANDS OF DISTILLED SPIRITS BOTTLED BY THE SAME PERSON AT DIFFERENT PREMISES

Pursuant to the provisions of Section 5 (e) of the Federal Alcohol Administration Act, as amended, Regulations No. 5,[1] Relating to Labeling and Advertising of Distilled Spirits, as amended, are further amended as follows:

Article III, Section 35, subsections (a), (b) and (d) of said regulations are amended to read:

(a) *"Distilled by."*—On labels of domestic distilled spirits bottled by or for the actual distiller thereof, there shall be stated the words "distilled by", and immediately thereafter the name of such distiller and the place where distilled. If the distiller is the actual bona fide operator of more than one distillery distilling the same brand of whiskey or spirits, there may be stated immediately following the name of such distiller, the addresses of the distilleries at which such brand is distilled: Provided, That the State of distillation or State where distilled is specifically set forth upon the package, as provided by subsection (g) of this section.

(b) *"Blended by", "Made by", "Prepared by", "Manufactured by"*, or *"Produced by."*—On labels of domestic distilled spirits bottled by or for the actual rectifier thereof, there shall be stated the words "blended by", "made by", "prepared by", "manufactured by", or "produced by", whichever may be applicable, and immediately thereafter the name of the rectifier and the place where blended, made, or prepared. If the rectifier is the actual bona fide operator of more than one rectifying plant blending, making, preparing, manufacturing, or producing the same brand of whiskey or spirits, there may be stated immediately following the name of such rectifier the addresses of the rectifying plants so processing such brand: Provided, That there is stated upon a separate label on the front or back of the package the words "blended by", "made by", "prepared by", "manufactured by", or "produced by" and immediately thereafter the name of the rectifier and the place where blended, made, or prepared.

(d) *"Bottled by."*—On labels of domestic distilled spirits bottled without taxable rectification by the holder of a warehousing and bottling permit, or by any State or political subdivision thereof, who is not the actual distiller or rectifier of such distilled spirits, there shall be stated the words "bottled by", and immediately thereafter the name of the bottler and the place where bottled. If such bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of whiskey or spirits, there may be stated immediately following the name of such bottler the addresses of the bottling plants at which such brand is bottled: Provided, That the State of distillation or State where the product is distilled is specifically set forth upon the package, as provided by subsection (g) of this section.

W. S. ALEXANDER,
Administrator,
Federal Alcohol Administration.

Approved, June 8, 1938.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1643; Filed, June 9, 1938; 1:10 p. m.]

[1] 1 F. R. 92.

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (H), OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS TO BE ESTABLISHED BY THE COMMISSION

NOTICE OF CONTINUANCE OF HEARING

1. Notice is hereby given that the hearing in the above entitled matter, previ-

ously adjourned to June 27, 1938,[1] is further continued indefinitely, to be resumed upon further notice of the Commission.

2. The Secretary of the Commission is forthwith directed to cause to be served a copy of this notice by mailing a copy thereof to the Secretary of each of the Bituminous Coal Producers Boards, the Consumers' Counsel, to code members within the several districts, to all known distributors; and to publish a copy of this notice in the FEDERAL REGISTER.

By Order of the Commission.

Dated this 10th day of June, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-1652; Filed, June 10, 1938; 12:12 p. m.]

[Docket No. 68-FD]

IN THE MATTER OF THE APPLICATION OF THE SUNSHINE ANTHRACITE COAL COMPANY FOR CERTIFICATE OF EXEMPTION FILED PURSUANT TO ORDER NO. 28

NOTICE OF ORAL ARGUMENT ON EXCEPTIONS TO PROPOSED REPORT OF THE COMMISSION

Notice is hereby given that the oral argument on the adoption of the proposed report of the Commission in the above-entitled matter and the exceptions of the Sunshine Anthracite Coal Company thereto, having been originally set for the first day of June, 1938, and continued by Order of the Commission dated the 28th day of May, 1938,[2] to a time and place to be determined upon five days' notice to the Sunshine Anthracite Coal Company, is now set for the 24th day of June, 1938, commencing at the hour of 10 o'clock a. m. before the Commission in the Hearing Room at Washington, D. C.

The Secretary of the Commission is forthwith directed to mail copies of this notice to the Sunshine Anthracite Coal Company, Consumers' Counsel and to the Secretaries of the Bituminous Coal Producers Boards, and shall cause a copy of the same to be published in the FEDERAL REGISTER.

By Order of the Commission.

Dated this 9th day of June, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-1651; Filed, June 10, 1938; 12:12 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. ID 546, 468, 389, 695, 252, 582, 315, 285, 495, 857, 959, 860, 861, 862, 863, 864]

APPLICATIONS OF ROBERT F. PACK, JOHN J. MOLYNEAUX, HENRY GRENACHER, HAROLD E. YOUNG, THEODORE E. CROCKER, GLEN V. RORK, ROBERT L. CLARK, NOEL H. BUCKSTAFF, ERNEST G. KELLETT, GARRETT O. HOUSE, JOHN F. MCGUIRE, JOSEPH B. ERBLANG, ERNEST H. COTTON, JAMES S. MCMILLEN, ROY F. MILLER, LESLIE N. GOBLER

ORDER POSTPONING HEARING

JUNE 7, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

Upon application of Counsel for nine of the above applicants; namely, ID-Nos. 546, 468, 389, 695, 252, 582, 315, 285, 495, for postponement of the hearing heretofore ordered to be held beginning at 10 a. m. on the 15th day of June, 1938, in Room 988, Merchandise Mart, Chicago, Illinois, by the Commission's orders of April 8, 1938, and April 29, 1938; [1] and

It appearing that the hearing on the remaining seven applications; namely, ID-Nos. 857, 859, 860, 861, 862, 863, 864, heretofore ordered to be held at the same time and place by the Commission's order of June 1, 1938,[2] should be held at the same time and place as that on the nine applications mentioned in the first paragraph hereof;

The Commission *orders* that:

The hearing on all of the applications mentioned in the caption hereof be postponed to begin at 10:00 a. m. on June 29, 1938, in the Regional Office of this Commission, Room 988, Merchandise Mart, Chicago, Illinois.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 38-1645; Filed, June 10, 1938; 10:20 a. m.]

[Docket No. IT-5512.]

IN THE MATTER OF THE CITY OF LOS ANGELES, A MUNICIPAL CORPORATION, AND DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES, COMPLAINANTS, VS. THE NEVADA-CALIFORNIA ELECTRIC CORPORATION, A CORPORATION, DEFENDANT

ORDER DESIGNATING COMMISSIONER TO CONDUCT HEARING AND CHANGING PLACE THEREOF

JUNE 7, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(1) The issues presented by the pleadings in the above cause have heretofore been assigned for hearing on June 22, 1938,[3] in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(2) The Nevada-California Electric Corporation has requested that the hearing in the above matter be held at some convenient point in the State of California, since all of the parties to the proceeding are residents of that State and it would be inconvenient and expensive to the parties if required to bring to Washington all of the witnesses and records which will be required;

The Commission *orders* that:

(A) The hearing upon the issues presented by the pleadings in this cause, now ordered to be held on June 22, 1938, at 10 a. m., in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., be and the same is hereby canceled;

(B) Hearing before Commissioner Claude L. Draper upon the issues presented by the complaint and answer in this cause be held on June 22, 1938, at 10 a. m., in Room 706, State Building, Los Angeles, California.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 38-1646; Filed, June 10, 1938; 10:20 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[File No. 21-314]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE OLEOMARGARINE MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Oleomargarine Manufacturing Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of any such views should be filed with the Commission not later than June 27, 1938. Opportunity for oral hearing will also be afforded at 10 a. m., June 27, 1938, in Room 332, Federal Trade Commission Building, Constitution Avenue at 6th Street, Washington, D. C., to any such persons as may desire to appear. After giving due consideration to such views, suggestions

[1] 3 F. R. 807 (DI).
[2] 3 F. R. 1191, 1241 (DI).

[1] 3 F. R. 868, 1020 (DI).
[2] 3 F. R. 1340 (DI).
[3] 3 F. R. 1249 (DI).

or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1653; Filed, June 10, 1938; 12:20 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 126]

ORDER RELATIVE TO EXPRESS RATES, 1938

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June, A. D. 1938.

The Commission, having before it petition filed June 8, 1938, by the Railway Express Agency, Inc., and Southeastern Express Company (in this proceeding termed applicants) for authority to increase their rates and charges and to make other modifications of the express rate structure, in the manner and to the extent set forth in such petition; and it appearing that petitioners pray that they permitted to make such increases and changes, and that the Commission institute an investigation to determine whether the increases and changes proposed will be just and reasonable and not in excess of maximum reasonable charges, and that the Commission enter a general order modifying its outstanding orders to the extent necessary to enable them to make effective the rates proposed, and that where the application of the rates herein proposed to the existing rates would result in departures from Section 4 of the act, the Commission authorize such departures, which petitions so filed are referred to for greater certainty:

It is ordered, That the Commission enter upon an investigation of the proposals made in such petition as above summarized; and that a copy of this order be served upon the applicants and upon the Governors and regulatory bodies of the several States:

It is further ordered, That the above-entitled proceeding be, and it is hereby, assigned for hearing before Division 7 of the Commission, at the office of the Commission in Washington, D. C., July 6, 1938, at 10 o'clock a. m., Standard Time, when the applicants will be expected to proceed with their testimony and others who may be prepared with testimony will be heard.

And it is further ordered, That further hearings shall hereafter be assigned, as may be directed by Division 7, at convenient places to be designated by it, of which notice will hereafter be given.

By the Commisison.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 38-1650; Filed, June 10, 1938; 12 m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of June 1938.

[File No. 1-957]

IN THE MATTER OF MARKET STREET RAILWAY COMPANY COMMON STOCK, ETC.

EFFECTIVE DATE OF ORDER

The Market Street Railway Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $100 Par Value, 6% Cumulative Prior Preference Stock, $100 Par Value, 6% Cumulative Preferred Stock, $100 Par Value, and 6% Non-Cumulative Second Preferred Stock, $100 Par Value, from listing and registration on the San Francisco Stock Exchange; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission, after due consideration of said application together with the evidence introduced at said hearing, having entered an order granting said application effective at the close of the trading session on June 12, 1938; and

The San Francisco Stock Exchange having made application to the Commission to extend unlisted trading privileges on said Exchange to the securities above-named, and said Exchange having requested the Commission to postpone the effective date of the order herein pending the disposition by the Commission of the application to extend unlisted trading privileges;

It is ordered, That the effective date of said order be and the same is hereby postponed from June 12, 1938, until the close of the trading session on August 12, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1661; Filed, June 10, 1938; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of June A. D. 1938.

[File No. 31-413]

IN THE MATTER OF THE APPLICATION OF HICKOK OIL CORPORATION

ORDER GRANTING EXEMPTION

Hickok Oil Corporation having made application for exemption pursuant to the provisions of Section 3 (a) (3) of the Public Utility Holding Company Act of 1935; hearing on said application having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having made appropriate findings of fact;

It is ordered, That the said Hickok Oil Corporation be, and it hereby is, exempted from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling or holding with power to vote 10 per cent or more of the outstanding voting securities of Cisco Gas Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1662; Filed, June 10, 1938; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of June A. D. 1938.

[File No. 43-116]

IN THE MATTER OF THE KANSAS ELECTRIC POWER COMPANY

ORDER FIXING EFFECTIVE DATE FOR DECLARATION REGARDING ISSUE AND SALE OF BONDS AND STOCK

The Kansas Electric Power Company, a subsidiary of The Middle West Corporation, a registered holding company, having duly filed with this Commission a declaration, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of $1,000,000 principal amount of its First Mortgage Bonds, Series A, 3½%, due December 31, 1966, and of 7,000 shares of its no par value Common Stock;

A hearing on said declaration having been duly held after appropriate notice;[2] the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered, That said declaration be and become effective forthwith, upon condition, however, that the issue and sale of said bonds and stock shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration; and

It is further ordered, That, within ten days after the issue or sale of any of said stock, the declarant shall file with this Commission a certificate of notification showing that such issue or sale has been

[1] 3 F. R. 1108 (DI).

[1] 3 F. R. 1162 (DI).

[2] 3 F. R. 1063 (DI).

effected in accordance with the conditions imposed by this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1660; Filed, June 10, 1938; 12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

[File No. 43-127]

IN THE MATTER OF MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 28, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 23, 1938.

The matter concerned herewith is in regard to a declaration filed by the above-named party, a subsidiary of New England Power Association, regarding the issue and sale of an unsecured note or notes, dated August 8, 1938, and payable two years after date, for the face amount of $4,000,000, bearing interest at the rate of 2½% per annum, to be paid at the end of each month. The proceeds of said issue and sale will be applied to the following purposes: (1) $3,390,480 to the redemption, on August 9, 1938, of $3,324,000 principal amount of Sinking Fund Gold Debentures Series A 5%, due April 1, 1949, of the declarant; (2) $300,000 to the payment of open account indebtedness of declarant to New England Power Association; and (3) $309,520 to finance plant expenditures of subsidiaries and to, in part, reimburse the treasury of the declarant for amounts heretofore devoted to the acquisition of capital stocks.

By the Commission.

[SEAL] FRANCIS P BRASSOR,
Secretary.

[F. R. Doc. 38-1659; Filed, June 10, 1938; 12:54 p. m.]